

1 Martha G. Bronitsky
Chapter 13 Standing Trustee
2 24301 Southland Dr #200
Hayward, CA 94545-1541
3 (510) 266 - 5580

4 Trustee for Debtor(s)

5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8 In re

Azad Amiri

Chapter 13 Case No. 09-47743-EDJ13

10 debtor(s)

11 **Trustee's Motion and Declaration to**
12 **Dismiss Proceedings and Notice Thereon**

13 TO DEBTOR(S) AND DEBTOR(S)' ATTORNEY OF RECORD:

14 Martha G. Bronitsky, Chapter 13 Standing Trustee hereby moves the court for an Order
15 Dismissing these proceedings pursuant to 11 U.S.C. Section 1307(c) upon the grounds that the
16 debtor(s) is in material default for the following reasons:

17 Violation of Section 109(e): Exceeds Debt Limits

18 NOTICE IS HEREBY GIVEN that debtor or the attorney of record may request a hearing in
19 writing stating specific grounds for objecting to the dismissal of these proceedings to the court and
20 served on the trustee no later than twenty (20) days from the date of service of this motion. Trustee
21 will then schedule a hearing date and notice debtor and the attorney of record of said hearing date.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 Date: October 13, 2009

/s/ Martha G. Bronitsky

24 Signature of Martha G. Bronitsky
25 Chapter 13 Standing Trustee
26
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28

1 In re

Azad Amiri

2 debtor(s)

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4 CERTIFICATE OF SERVICE

5 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the
6 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the
registered agent for the creditor by depositing it in the United States mail with first class
postage attached thereto.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct.

9
10 Azad Amiri
425 Moraga Road
Moraga, CA 94556

Thomas M Swihart Atty
2039 Shattuck Ave #308
Berkeley, CA 94704

11
12 (Debtor(s))

(Counsel for Debtor)

13 Date: October 13, 2009

/s/ Gina A Weaver

14 Gina A Weaver